



The Daily Bulletin: 2021-08-18

PUBLIC/HOUSE BILLS

H 95 (2021) [WHOLESALE RX DISTRIBUTION LICENSEE CHANGE. \(NEW\)](#) Filed Feb 16 2021, *AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO REVIEW AN APPLICATION AND ISSUE OR DENY A LICENSE FOR WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS THAT IS CONDITIONED UPON APPROVAL OF A PRESCRIPTION DRUG UNDER FEDERAL LAW WHILE THE FEDERAL APPROVAL PROCESS IS PENDING.*

Senate committee substitute deletes the content of the 2nd edition and replaces it with the following.

Amends GS 106-145.5 to give the Commissioner of Agriculture the authority to review an application and issue or deny a wholesale prescription drug distributor license that is conditioned upon the approval of a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act while the federal approval process is pending. Makes conforming changes to the act's titles.

Intro. by Sasser, Potts, Carney, K. Baker.

GS 106

Agriculture, Government, State Agencies, Department of Agriculture and Consumer Services, Health and Human Services, Health

[View summary](#)

H 436 (2021) [SUPPORT LAW ENFORCEMENT MENTAL HEALTH.](#) Filed Mar 29 2021, *AN ACT TO REQUIRE PSYCHOLOGICAL SCREENINGS OF LAW ENFORCEMENT OFFICERS PRIOR TO CERTIFICATION OR EMPLOYMENT; TO EDUCATE LAW ENFORCEMENT OFFICERS ON MAINTAINING GOOD MENTAL HEALTH, AND TO PROVIDE INFORMATION TO LAW ENFORCEMENT OFFICERS ON MENTAL HEALTH RESOURCES AVAILABLE; AND TO CREATE A PHYSICAL FITNESS STUDY.*

Senate committee substitute amends the 2nd edition as follows.

Makes organizational changes to the act and makes conforming changes to the act's provisions to reflect those organizational changes.

Revises the proposed changes to GS 17C-10, concerning the NC Criminal Justice Education and Training Standards Commission and criminal justice officers, and GS 17E-7, concerning the NC Sheriff's Education and Training Standards Commission and justice officers, to require both Commissions to include the administration of a psychological screening exam prior to initial certification or the performance of any action requiring certification (was, prior to certification or employment) to determine the officer's mental and emotional suitability to properly fulfill the responsibilities of a criminal justice or justice officer, respectively. Now requires the administration of a psychological screening exam to include a face-to-face, in-person interview (was, in-person interview) conducted by a licensed psychologist (was, a licensed clinical psychologist). Adds a new provision to each statute to allow the face-to-face evaluation to be virtual so long as both the audio and video allow for a professional clinical evaluation in a clinical environment when face-to-face, in-person is not practicable.

Changes the effective date of the statutory changes set forth in the act. Makes the proposed changes to GS Chapters 17C and 17E effective January 1, 2022 (was, effective on the date the act becomes law).

Modifies the provisions encouraging the Commissions to adopt standards that provide training conducted by mental health professionals to specify that the act encourages face-to-face instruction (was, in-person instruction).

Adds a new directive requiring the Commissions to jointly study the benefits, if any, of requiring physical fitness testing throughout the career of a law enforcement officer and whether that testing, if required, should be incrementally adjusted based upon the age of the officer. Directs the Commissions to report to the specified NCGA committee by March 31, 2022.

Changes the act's long title.

Intro. by K. Baker, Szoka, Hunter.

STUDY, GS 17C, GS 17E

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Employment and Retirement, Government, Public Safety and Emergency Management, Local Government, Health and Human Services, Mental Health

H 608 (2021) [DIGNITY FOR WOMEN WHO ARE INCARCERATED](#). Filed Apr 20 2021, *AN ACT TO PROMOTE THE DIGNITY OF WOMEN WHO ARE INCARCERATED*.

Senate committee substitute to the 2nd edition makes the following changes.

Organizes the act into three Parts. Part I. titles the act as the Dignity for Women who are Incarcerated Act.

Part II. organizes the provisions set forth in previously proposed new Article 83A in GS Chapter 15A, as new Article 2B of GS Chapter 148, and titles the Article as Dignity for Women Incarcerated in Prison Facilities. Makes the following changes to the proposed Article. Amends the defined terms *correctional facility* and *correctional facility employee* to no longer include local confinement facilities or other entities under the authority of local law enforcement agencies, or employees of those entities. Makes organizational changes to consolidate the statutes regarding care for female incarcerated persons related to pregnancy, childbirth, and postpartum recovery. Now explicitly prohibits Department of Public Safety (DPS) and correctional facility employees from applying restraints on a pregnant female incarcerated person during the second and third trimester of pregnancy, during labor and delivery, and during the post-partum recovery period; no longer specifies the types of restraint prohibited. Eliminates the time period specified for the postpartum recovery period (was, six-week postpartum recovery period). Prohibits a correctional facility employee, other than a certified health care professional, from conducting body cavity searches of a female incarcerated person who is pregnant or in the postpartum recovery period unless the correctional facility employee has probable cause to believe that the female incarcerated person is concealing contraband that presents an immediate threat of harm (was, threat of harm) to the female incarcerated person, the fetus, or another person. Adds a new provision to require an employee that denies visitation to an incarcerated mother as provided by the statute to submit a written report to the warden or administrator of the correctional facility within five days following the denial providing the justification for the denial. Now requires the warden or administrator to compile a monthly summary of all written reports received pursuant to the consolidated statute and GS 148-25.3 (was, GS 15A-1360.6), concerning inspections when a female incarcerated person is in the state of undress.

Part III.

Deletes new GS 153A-221.2 which subjects local confinement facilities to the requirements of the new Article enacted by the act, and instead enacts an identical provision to GS 153A-221 to subject local confinement facilities to the requirements of new Article 83A, GS Chapter 15A.

Additionally, enacts new Part 2B to Article 10, GS Chapter 153A, titled Dignity for Women Incarcerated in Local Confinement Facilities, as follows.

Sets forth 11 defined terms. Enacts substantively identical provisions set forth in new Article 83A of GS Chapter 15A, as enacted, with the following exceptions and changes. Does not enact provisions mirroring family considerations; placement of female incarcerated person; visitation; and employee training and technical assistance. Makes the provisions applicable to *facility employees*, defined as any person who is employed by the local government and who works at or in a local confinement facility. Defines *local confinement facility* to include a county or city jail, a local lockup, a regional or district jail, a juvenile detention facility, a detention facility for adults operated by a local government, and any other facility operated by a local government for confinement of persons awaiting trial or serving sentences; excepts a county satellite jail/work release unit governed by Part 3 of the Article. Provisions enacted include the following with respect to a pregnant female incarcerated person during pregnancy, labor and delivery, and the postpartum period as specified: limitations on the use of restraints and body cavity searches; nutritional requirements; limitations on restrictive housing and bed assignments; bar to charging costs of

necessary care; bonding period requirements; availability of nutritional and hygiene products during the postpartum period. Additionally enacts the following provisions related to female incarcerated persons: limitations on inspections by male facility employees when a female incarcerated person is in a state of undress; and access to menstrual products at no cost. Similar to monthly reports required to be submitted by correctional facility employees to correctional facility wardens and administrators under new Article 83A, GS Chapter 15A, requires facility employees to submit required written reports to the sheriff or administrator of the local confinement facility.

Part IV.

Changes the effective date of the act from October 1, 2021, to December 1, 2021, and specifies that the act is applicable to individuals in custody on or after that date.

Intro. by K. Baker, Clemmons, White, K. Hall.

[GS 143B](#), [GS 148](#), [GS 153A](#)

[View summary](#)

[Courts/Judiciary](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Government](#), [State Agencies](#), [Department of Public Safety](#), [Local Government](#), [Health and Human Services](#), [Health](#)

H 972 (2021) [HOUSE SBCC MEMBER ELECTION](#). Filed Aug 18 2021, *A HOUSE RESOLUTION ELECTING WILLIAM P. "BILL" MCBRAYER, JR., AND M. LEE BARNES, JR., TO SERVE AS MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES.*

Includes whereas clauses.

Elects William P. "Bill" McBrayer, Jr., and M. Lee Barnes, Jr., to the State Board of Community Colleges for terms that expire June 30, 2027.

Intro. by Rules, Calendar, and Operations of the House.

[HOUSE RES](#)

[View summary](#)

[Education](#), [Higher Education](#), [Government](#), [General Assembly](#), [State Agencies](#), [Community Colleges System Office](#)

PUBLIC/SENATE BILLS

S 191 (2021) [THE NO PATIENT LEFT ALONE ACT](#). Filed Mar 8 2021, *AN ACT PROVIDING PATIENT VISITATION RIGHTS WILL NOT BE IMPACTED DURING DECLARED DISASTERS AND EMERGENCIES AND DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPOSE A CIVIL PENALTY FOR ANY VIOLATION OF THOSE RIGHTS.*

House amendment makes the following changes to the 3rd edition.

Amends GS 131D-7.5, which requires licensed adult care homes and special care units to allow residents to receive visitors of their choice except when any of three described circumstances have been established by clear and convincing evidence. Adds new authority for the Department of Health and Human Services (DHHS) to issue a warning to a facility found to have violated the statute and give the facility up to 24 hours to allow visitation. Now requires DHHS to impose a civil penalty of at least \$500 for each instance on each day the facility was found to have a violation only if visitation is not allowed after the 24-hour warning period (previously, required DHHS to impose the penalty with no qualification related to a warning).

Intro. by Daniel, Krawiec, Britt.

[GS 122C](#), [GS 131D](#), [GS 131E](#)

[View summary](#)

[Government](#), [Public Safety and Emergency Management](#), [State Agencies](#), [Department of Health and Human Services](#),

**Health and Human Services, Health, Health Care Facilities
and Providers, Public Health**

S 207 (2021) **VARIOUS RAISE THE AGE CHANGES/JJAC RECS.** Filed Mar 9 2021, *AN ACT TO IMPLEMENT THE JUVENILE JUSTICE REINVESTMENT ACT BASED ON LEGISLATIVE RECOMMENDATIONS OF THE JUVENILE JURISDICTION ADVISORY COMMITTEE, TO MAKE RELATED CHANGES TO THE JUVENILE CODE, AND TO PROVIDE FOR AN APPROPRIATE MENTAL HEALTH ASSESSMENT TO BE PROVIDED FOR JUVENILES WHO HAVE BEEN ADJUDICATED DELINQUENT.*

House committee substitute makes the following changes to the 3rd edition.

Part V.

Makes organizational changes and revises the content of the Part as follows.

Amends GS 7B-101 to expand the term *neglected juvenile*, applicable to Subchapter I (Abuse, Neglect, Dependency) to include a juvenile under 18 whose parent, guardian, or custodian has refused to follow the recommendations of the Juvenile and Family Team made pursuant to Article 27A of the Chapter, as amended.

Eliminates the addition of the new defined terms *child consultation* and *consultation complaint* in GS 7B-1501, applicable to Subchapter II (Undisciplined and Delinquent Juveniles). Instead, adds and defines *Juvenile consultation* as the provision of services to a vulnerable juvenile and to the parent, guardian, or custodian of a vulnerable juvenile pursuant to GS 7B-1706.1; specifies that Juvenile Consultation cases are subject to the confidentiality provisions of Subchapter III (Juvenile Records). Adds and defines *vulnerable juvenile* as any juvenile who, while less than 10 but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of motor vehicle laws, and is not a delinquent juvenile. Expands the term *delinquent juvenile* to include (1) any juvenile who, while less than 10 but at least 8 years of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State law; and (2) any juvenile who, while less than 10 but at least 8 years of age, commits a crime or an infraction under State law or under ordinance of a local government, including violation of the motor vehicle laws, and has been previously adjudicated delinquent. Maintains the revisions to the terms *delinquent juvenile* and *undisciplined juvenile* to include juveniles at least 10 years old (previously, included juveniles at least 6 years old), subject to the new criteria.

Adds to and revises the proposed changes to Article 17 of GS Chapter 7B, which governs the screening of delinquency and undisciplined complaints, as follows. Amends GS 7B-1700 to require the chief court counselor to establish intake services in each judicial district for all complaints against vulnerable juveniles, and expands the purpose of intake services to include obtaining assistance from community resources when court referral is not allowed.

Replaces the proposed changes to GS 7B-1701, expanding the preliminary inquiry responsibilities of the juvenile court counselor upon receiving a complaint against a juvenile who is less than 10 to include making a preliminary determination as to whether the juvenile is a vulnerable juvenile or is within the jurisdiction of the court as a delinquent juvenile, by which the existing preliminary procedures applicable to delinquent juveniles apply. Otherwise, requires the juvenile court counselor who determines the juvenile is a vulnerable juvenile to handle the complaint as a juvenile consultation. Makes further conforming and technical changes to the statute. Makes further conforming changes to GS 7B-1702 (Evaluation), GS 7B-1703 (Evaluation decision), GS 7B-1706 (Diversion plans and referral), and GS 7B-2102 (Fingerprinting and photographing juveniles), to reflect the change to GS 7B-1701 regarding a juvenile court counselor's expanded preliminary determination responsibilities and providing for determinations that a complaint should be handled as a juvenile consultation for a vulnerable juvenile. Eliminates the proposed changes to GS 7B-1703 and instead expands GS 7B-1703 to allow for a juvenile court counselor to determine within the specified time period of a complaint that the complaint should be handled as a juvenile consultation for a vulnerable juvenile or in some other manner authorized by Article 17, as alternatives to filing the complaint as a juvenile petition. Makes notification and destruction requirements applicable to complaints not handled as juvenile petition also applicable to complaints not handled as a juvenile consultation. Requires the juvenile court counselor who determines that a complaint is to be handled as a juvenile consultation to obtain referral information.

Revises the terminology used in new GS 7B-1706.1 to refer to *juvenile consultation services* and *vulnerable juveniles*, replacing the previous terminology referring to *child consultation services* and *child complaints*. Eliminates the explicit age limitation for juvenile consultation services.

Eliminates the proposed changes to GS 7B-1806 (Service of summons) and GS 7B-2513 (Commitment of delinquent juvenile to Division), regarding delinquent and undisciplined juveniles.

Revises new Article 34A of GS Chapter 7B as follows. Enacts the provisions as Article 27A and makes conforming organizational changes to the proposed statutory sections of the Article. Renames the Article as *Authority Over Parents, Guardians, or Custodians of Vulnerable Juveniles Who Are Receiving Juvenile Consultation Services*. Changes the terminology used throughout to refer to *vulnerable juveniles* and *juvenile consultations services* rather than *children under the age of 10* and *child consultation services*.

Eliminates the addition of the new defined terms *child consultation* and *consultation complaint* to GS 143B-805, applicable to Subpart B, Part 3 of Article 13, which governs the Juvenile Justice Section (Section) of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety (Division). Similar to the revisions by the act to GS 7B-1501, applicable to Subchapter II (Undisciplined and Delinquent Juveniles) of GS Chapter 7B, adds the terms Juvenile consultation and vulnerable juvenile, and defines the terms to mirror the definition set forth in GS 7B-1501. Additionally, further amends the term delinquent juvenile to expand the term to mirror the changes made under GS Chapter 7B to include (1) any juvenile who, while less than 10 but at least 8 years of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State law; and (2) any juvenile who, while less than 10 but at least 8 years of age, commits a crime or an infraction under State law or under ordinance of a local government, including violation of the motor vehicle laws, and has been previously adjudicated delinquent. Maintains the revisions to the terms *delinquent juvenile* and *undisciplined juvenile* to include juveniles at least 10 years old (previously, included juveniles at least 6 years old), subject to the new criteria.

Makes conforming changes to the terminology used in the proposed changes to GS 7B-3100 (regarding disclosure of information about juveniles) to provide for the sharing of information related to a case in which a vulnerable juvenile is receiving juvenile consultation services until the juvenile consultation is closed. Similarly, revises the terminology used in the proposed changes to the following statutes in GS Chapter 143B to refer to vulnerable juveniles receiving juvenile consultation services and eliminating references to children under 10 and child consultation services: GS 143B-806 (regarding duties of the Juvenile Justice Section (Section)); GS 143B-811 (regarding the Department of public safety's annual evaluation of intensive intervention services); and GS 143B-853 (regarding the Division's annual development of a funding mechanism for programs of the Section).

Revises the proposed new duties of juvenile court counselors set forth in GS 143B-831, which requires counselors to provide and coordinate multidisciplinary service referrals for the prevention of juvenile delinquency and early intervention for juveniles, to specifically include vulnerable juveniles who are in receipt of juvenile consultation services (previously, specifically included but did not limit the duty to children under the age of 10 in receipt of child consultation services). Changes the proposed reporting requirements under the new subdivision to require juvenile court counselors to report any suspected abuse, neglect, or dependency of a juvenile who is receiving such services to the director of social services pursuant to GS 7B-1700.1 (previously, set forth distinct reporting requirements based on whether the child is under 10 or is a juvenile over 10).

Eliminates the proposed changes to GS 143B-851 which added to the powers and duties of Juvenile Crime Prevention Councils to include biennially reviewing and assessing on an ongoing basis the needs of youth in the county who are under the age of 10 who engage in acts that would constitute juvenile delinquency had they reached the age of 10 or older.

Adds the following directive. Requires the Section to annually report to the specified NCGA committee, beginning March 1, 2023, on all complaints filed against a juvenile less than 10 but at least 6 years of age. Sets forth required content of the annual reports, including a summary with specified data about all complaints filed and a detailed listing of all complaints filed since the last report with specified information for each complaint with any identifying information removed.

Part VI.

Makes a clarifying change to proposed GS 7B-2502(a4) concerning the makeup of the care review team assigned by a court following assessment of a juvenile.

Intro. by Britt, Daniel, Mohammed.

[GS 7A, GS 7B, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Delinquency, Court System, Criminal Justice,](#)

Corrections (Sentencing/Probation), Criminal Law and Procedure, Government, State Agencies, Department of Public Safety, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Social Services, Child Welfare

S 228 (2021) **ALLOW EMPLOYERS TO OFFER EPO BENEFIT PLANS**. Filed Mar 10 2021, *AN ACT TO LOWER HEALTH CARE COSTS AND EXPAND ACCESS BY ALLOWING SMALL BUSINESSES TO OFFER EXCLUSIVE PROVIDER BENEFIT PLANS*.

House committee substitute makes the following changes to the 3rd edition. Changes the act's effective date from July 1, 2021, to October 1, 2021.

Intro. by Edwards, Krawiec, Burgin.

GS 58

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance

S 257 (2021) **MEDICATION COST TRANSPARENCY ACT**. Filed Mar 11 2021, *AN ACT TO PROMOTE PRICING TRANSPARENCY FOR PATIENTS AND TO ESTABLISH STANDARDS AND CRITERIA FOR THE REGULATION AND LICENSURE OF PHARMACY BENEFITS MANAGERS PROVIDING SERVICES FOR HEALTH BENEFIT PLANS IN NORTH CAROLINA*.

House committee substitute makes the following changes to the 3rd edition.

Amends and adds to the proposed changes to Article 56A, Pharmacy Benefits Management, of GS Chapter 58 as follows.

Adds to the defined terms: *biosimilar* and *other prescription drug or device services*. No longer includes a statutory cross-reference to define *pharmacy*. Now defines *pharmacy services administration organization* as an organization that assists community pharmacists and pharmacy benefits managers or third-party payors in achieving administrative efficiencies, including contracting and payment efficiencies. Expands the term *pharmacy benefits manager affiliate* to include a pharmacy or pharmacist that is under common ownership or control with a pharmacy benefits manager. Makes additional clarifying and technical changes.

Adds a new provision to direct the Commissioner of Insurance to adopt rules establishing the licensing and reporting requirements of pharmacy benefits managers consistent with the Article.

Expands the Article's provisions regarding consumer protections to prohibit pharmacies and pharmacists from prohibiting, restricting, or penalizing (previously, prohibited penalizing only) pharmacy benefits managers from discussing the insured's cost share of prescription drugs, or selling a lower-priced drug to the insured. Additionally, now prohibits a pharmacy benefits manager from contracting to prohibit or restrict a pharmacy from taking six actions, including (1) offering and providing direct and limited delivery services to an insured as an ancillary service of the pharmacy; (2) disclosing to any insured any health care information that the pharmacy or pharmacist determines is appropriate so long as it is within the pharmacist's scope of practice; (3) discussing information relating to the total costs for pharmacist services for a prescription drug; and (4) selling a more affordable alternative of the prescription drug to the insured if available. Adds a new restriction to prohibit a pharmacy benefits manager from penalizing or retaliating against a pharmacy for any of these six activities. No longer requires the pharmacy or pharmacist to disclose that a shipping and handling fee for mailed or delivered prescriptions is agreed to by the health benefit plan or pharmacy benefits manager. Now prohibits the pharmacy benefits manager from charging or attempting to collect from an insured a copayment that exceeds the lesser of (1) the total submitted charges by the network pharmacy; (2) the contracted copayment amount; or (3) the amount an individual would pay for a prescription drug if that individual was not insured and was paying cash for the prescription drug (was, prohibited from charging or attempting to collect a copayment that exceeds the total submitted charged by the network pharmacy). Adds the following new requirements and restrictions. Adds a new requirement for an insurer to include any amounts paid by the insured or paid on behalf of the insured by another person when calculating an insured's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under a health benefit plan, to the extent allowed under state and federal law. Prohibits a pharmacy benefits manager from causing or

knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading; knowingly making any misrepresentation; or requiring an insured to use a pharmacy benefits manager affiliate for the filling of a prescription or the provision of any pharmacy care services. Provides that an insured cannot be restricted from using any in-network pharmacy or pharmacist for any prescription drug covered by the health benefit plan or pharmacy benefits manager applicable. Prohibits a pharmacy benefits manager from contracting to prohibit a pharmacy from discussing information relating to the total cost for pharmacist services for a prescription drug, or from selling a more affordable alternative to the insured if a more affordable alternative is available. Lastly, bars a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from sharing proprietary or confidential information.

Makes the following modifications regarding pharmacy and pharmacist protections. Prohibits charging fees or adjustments for the receipt and processing of a claim or its adjudication without a justification on the remittance advice (was, or as set out in contract and agreed upon by the pharmacy or pharmacist for each adjustment or fee). Qualifies the explicit application of the protections provided for pharmacies and pharmacists to claims under an employee benefits plan under the Employee Retirement Income Security Act of 1974 to the extent such application is allowed under federal law. Further specifies that a pharmacy or pharmacist cannot be restricted in any way by a pharmacy benefits manager from dispensing any prescription drug allowed under licensure, including dispensing specialty drugs (no longer specifying specialty drugs dispensed by a credentialed and accredited pharmacy). No longer includes the pharmacy or pharmacist's agreement to an adjustment in situations that warrant retroactive denial or reduction of a claim for pharmacist services after adjudication of the claim. Adds the following. Prohibits a pharmacy benefits manager from engaging in the pattern or practice of reimbursing independent pharmacies and pharmacists in the State consistently less than the amount of the National Drug Average Acquisition Cost (NDAAC) or the amount that the pharmacy benefits manager reimburses a pharmacy benefits affiliate for providing the same pharmacist services. Bars pharmacy benefits managers from requiring the use of mail order or a pharmacy benefits manager affiliate for filling prescriptions.

Adds the following requirements regarding the maximum allowable cost price for prescription drugs. Requires a pharmacy benefits manager to update its maximum allowable cost list for a prescription drug within five calendar days and provide notice to contracted pharmacies within 72 business hours of the update if any of three described circumstances exist, including when (1) at least 60% of the pharmaceutical wholesalers doing business in the State have increased by 10% or more the pharmacy acquisition cost for the drug, or (2) there is a change in the method on which the maximum allowable cost is based. Additionally bars a pharmacy benefits manager from engaging in a pattern or practice of reimbursing independent pharmacies or pharmacists consistently less than the amount of the NDAAC, the Wholesale Acquisition Cost when the NDAAC is not available, or an amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services.

Adds a new statute to the Article. Requires a health benefit plan or pharmacy benefits manager that authorizes coverage for a biosimilar, as defined, of a prescription medication to authorize coverage for all biosimilars of that prescription medication with coverage at the same level. Prohibits a health benefit plan or pharmacy benefits manager from requiring the use or the dispensing of a reference product over a biosimilar.

Adds a new statute to the Article prohibiting pharmacy benefits manager or insurers from requiring any prescription medication to be obtained from an entity operating as an intermediary to have prescription medications administered or delivered to a patient or another pharmacy, hospital, clinic, or provider unless that entity is a pharmacy operating as an intermediary and meets five criteria, including (1) having a mutual agreement between the patient, the intermediary, and the other pharmacy, hospital, clinic, or provider to use the process for the receipt, repackaging, administration, or delivery of the prescription medication; (2) having the distribution of prescription medications from the intermediary be in full and actual charge of a licensed pharmacist; and (3) having the pharmacy, hospital, clinic, or provider and the intermediary in compliance with all relevant rules adopted by the NC Board of Pharmacy.

Now prohibits pharmacy benefits managers from changing the network of pharmacies available to an insured without the insured or the insurer's written consent. Bars pharmacy benefits managers from creating separate pharmacy networks under a specific health benefit plan. Prohibits a pharmacy benefits manager from conditioning participation in a pharmacy benefits manager network upon accreditation standards or recertification requirements inconsistent with, more stringent than, or in addition to federal and State licensure requirements. Previously, entitled a pharmacist or pharmacy that is a member of a pharmacy service administration organization that enters into a contract with a health benefit plan issuer or a pharmacy benefits manager on the pharmacy's behalf to receive from the pharmacy service administration organization a copy of the contract provisions applicable to the pharmacy, including each provision relating to the pharmacy's rights and obligations

under the contract. Replaces the provision, now requiring a pharmacist or pharmacy that belongs to a pharmacy service administration organization to receive a copy of the contract the pharmacy service administration organization entered into with a pharmacy benefits manager on the pharmacy's or pharmacist's behalf, upon request only. Regarding the continued obligation of payments due to pharmacies or pharmacists upon termination from the pharmacy benefits manager network, no longer excludes cases of fraud, waste, and abuse.

Adds a new statute to the Article requiring a pharmacy benefits manager to provide an insurer offering a health benefit plan that contracts with a pharmacy benefits manager the claims data that reflects the total amount the insurer paid to the pharmacy benefits manager under the plan for a specified outpatient prescription drug, including the ingredient cost and the dispensing fee, upon request. Requires providing the cost paid for the specified outpatient prescription drug, including the ingredient cost and the dispensing fee.

Adds to the provisions regarding penalties for violations of the Article as follows. Requires the Commissioner to consider the following in determining the amount of a civil penalty for a violation of the Article (other than GS 58-56A-5, which governs the maximum allowable cost price of prescription drugs): the degree and extent of harm caused by the violation; the amount of money that inured to the benefit of the violator as a result of the violation; whether the violation was willful; and the prior record of the violator in complying with laws, rules, or orders applicable to the violator. Adds further guidance and clarifications applicable to civil penalties imposed under the Article.

Makes further technical changes.

Intro. by Perry, Britt, Johnson.

GS 58

[View summary](#)

Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance

S 257 (2021) **MEDICATION COST TRANSPARENCY ACT**. Filed Mar 11 2021, *AN ACT TO PROMOTE PRICING TRANSPARENCY FOR PATIENTS AND TO ESTABLISH STANDARDS AND CRITERIA FOR THE REGULATION AND LICENSURE OF PHARMACY BENEFITS MANAGERS PROVIDING SERVICES FOR HEALTH BENEFIT PLANS IN NORTH CAROLINA.*

House amendment makes the following changes to the 4th edition.

Replaces the definition given to the new defined term *340B covered entity*, applicable to Article 56A, Pharmacy Benefits Management, of GS Chapter 58. Now defines the term to mean any entity defined in 42 USC 256b(a)(4), rather than any entity defined in nine specific sub-subdivisions of that subdivision.

Intro. by Perry, Britt, Johnson.

GS 58

[View summary](#)

Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance

S 300 (2021) **CRIMINAL JUSTICE REFORM**. Filed Mar 15 2021, *AN ACT TO INCREASE PROTECTIONS, TRAINING, AND OVERSIGHT FOR STATE AND LOCAL LAW ENFORCEMENT OFFICERS; TO CREATE A DECERTIFICATION DATABASE; TO REQUIRE USE OF THE FEDERAL BUREAU OF INVESTIGATION'S NEXT GENERATION IDENTIFICATION SYSTEM AND RAP BACK SERVICE FOR LAW ENFORCEMENT; TO REQUIRE REPORTING RELATED TO GIGLIO MATERIAL; TO EXPAND TRANSPORTATION OF INVOLUNTARY COMMITMENT RESPONDENTS; TO STANDARDIZE LAW ENFORCEMENT OFFICER ENTRY REQUIREMENTS AND ONGOING REQUIREMENTS; TO REQUIRE PSYCHOLOGICAL SCREENINGS OF LAW ENFORCEMENT OFFICERS PRIOR TO CERTIFICATION OR EMPLOYMENT; TO EDUCATE LAW ENFORCEMENT OFFICERS ON MAINTAINING GOOD MENTAL HEALTH, AND TO PROVIDE INFORMATION TO LAW ENFORCEMENT OFFICERS ON MENTAL HEALTH RESOURCES AVAILABLE; TO CREATE A PHYSICAL FITNESS STUDY; TO DECRIMINALIZE CERTAIN LOCAL ORDINANCES AND PROVIDE COMPLIANCE AS A DEFENSE TO AN ORDINANCE VIOLATION; TO MANDATE MISDEMEANOR FIRST APPEARANCES WHEN A DEFENDANT IS IN CUSTODY; TO REQUIRE USE OF THE NATIONAL DECERTIFICATION*

INDEX MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING IN THE CERTIFICATION PROCESS FOR CERTIFIED PERSONNEL; TO ESTABLISH A DUTY FOR LAW ENFORCEMENT OFFICERS TO INTERVENE IN AND REPORT EXCESSIVE USE OF FORCE; TO ADDRESS CONSTITUTIONAL ISSUES WITH SATELLITE-BASED MONITORING RAISED IN STATE VERSUS GRADY AND CREATE A PROCESS TO REVIEW WHETHER OFFENDERS SUBJECT TO THAT CASE WHICH WERE REMOVED FROM SATELLITE-BASED MONITORING ARE OTHERWISE ELIGIBLE; TO REMOVE THE STANDARDS COMMISSIONS FROM A NONEXCLUSIVE LIST OF STATE AGENCY LICENSING BOARDS; TO PROTECT LAW ENFORCEMENT OFFICERS; TO AMEND THE LAW TO PROVIDE IMMEDIATE DISCLOSURE OF BODY-WORN CAMERA RECORDINGS RELATED TO DEATH OR SERIOUS BODILY INJURY; AND TO ESTABLISH THE BIPARTISAN NORTH CAROLINA LEGISLATIVE WORKING DECRIMINALIZE CERTAIN LOCAL ORDINANCES AND PROVIDE COMPLIANCE AS A DEFENSE TO AN ORDINANCE VIOLATION; TO MANDATE MISDEMEANOR FIRST APPEARANCES WHEN A DEFENDANT IS IN CUSTODY; TO REQUIRE USE OF THE NATIONAL DECERTIFICATION INDEX MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING IN THE CERTIFICATION PROCESS FOR CERTIFIED PERSONNEL; TO ESTABLISH A DUTY FOR LAW ENFORCEMENT OFFICERS TO INTERVENE IN AND REPORT EXCESSIVE USE OF FORCE; TO ADDRESS CONSTITUTIONAL ISSUES WITH SATELLITE-BASED MONITORING RAISED IN STATE VERSUS GRADY AND CREATE A PROCESS TO REVIEW WHETHER OFFENDERS SUBJECT TO THAT CASE WHICH WERE REMOVED FROM SATELLITE-BASED MONITORING ARE OTHERWISE ELIGIBLE; TO REMOVE THE STANDARDS COMMISSIONS FROM A NONEXCLUSIVE LIST OF STATE AGENCY LICENSING BOARDS; TO PROTECT LAW ENFORCEMENT OFFICERS; TO AMEND THE LAW TO PROVIDE IMMEDIATE DISCLOSURE OF BODY-WORN CAMERA RECORDINGS RELATED TO DEATH OR SERIOUS BODILY INJURY; AND TO ESTABLISH THE BIPARTISAN NORTH CAROLINA LEGISLATIVE WORKING GROUP TO MAKE RECOMMENDATIONS FOR THE RECODIFICATION OF NORTH CAROLINA'S CRIMINAL LAWS.

House committee substitute to the 5th edition makes the following changes.

Part XX.

Revises the parties and entities from which the Bipartisan North Carolina Legislative Working Group on Criminal Law Recodification, created by the act, must seek comments and feedback from, to replace the Chief Justice of the Supreme Court with the Administrative Office of the Courts (AOC).

Adds new Part XX-A as follows.

Amends GS 132-1.4A, concerning law enforcement agency recordings, enacting a new subsection (b1) to require any portion of a recording in the custody of a law enforcement agency that depicts a death or serious bodily injury to be disclosed, if requested by submission of the required notarized form described in new subsection (b2), to a personal representative of the deceased, the injured individual, or a person representative on behalf of the injured individual, upon order of the court pursuant to new subsection (b3). Requires ordered disclosure to be done by the agency in a private setting and prohibits the person receiving disclosure from recording or copying the recording. Requires that the portions relevant to the death or serious bodily injury not be edited or redacted. Revises the defined term *personal representative* to include NC licensed attorneys (was, attorneys) as specified. Adds and defines *serious bodily injury*. Adds new subsection (b2), requiring the person requesting disclosure to submit a signed and notarized form, provided by the law enforcement agency and developed by AOC, with notice of specified prohibitions and criminal penalties. Adds new subsection (b3), requiring the law enforcement agency to petition the superior court, at no cost, where any portion of the recording was made for issuance of an order regarding the disclosure requested, within three business days of receipt of the notarized form. Requires delivery of the copy of the petition and recording to the resident superior court judge or their designee and provides for continued confidentiality unless the court issues disclosure. Requires the court to conduct an in-camera review of the recording and enter an order within seven business days of filing instructing the recording to be either immediately disclosed with or without editing or redaction, disclosed at a later date with or without editing or redaction, or not disclosed to the person(s) seeking disclosure. Identifies six factors the court must consider in determining whether to the recording may be disclosed, including (1) if the recording contains confidential or exempt information, and (2) if disclosure may harm the reputation or jeopardize the safety of a person. Lists persons required to be notified, or their designated representatives, and who must be given an opportunity to be heard at any proceeding. Allows the court to order any conditions or restrictions on the disclosure that the court deems appropriate. Requires petitions to be scheduled for hearing as soon as practicable, with the court required to issue an order within seven business days after filing. Requires subsequent proceedings to be accorded priority by trial and appellate courts. Requires the court to schedule a subsequent hearing to be held within 20 days after issuance of an order to reconsider disclosure if disclosure is denied based on a determination that confidentiality is necessary to protect either an active or inactive internal or

criminal investigation or potential internal or criminal investigation. Limits the disclosure of recordings depicting a death or serious bodily injury to the procedures and requirements set forth in new subsections (b1) through (b3).

Adds a new directive requiring AOC to develop and make available to law enforcement agencies the signed and notarized request form required and a petition for use by law enforcement agencies pursuant to new GS 132-4.1A(b1) through (b3).

Makes the above new provisions effective December 1, 2021, applicable to all requests made on or after that date for disclosure of a recording.

Changes the act's long title.

Intro. by Britt, Daniel, Lee.

[STUDY, GS 14, GS 15A, GS 17A, GS 17C, GS 17E, GS 20, GS 74E, GS 74G, GS 93B, GS 114, GS 122C, GS 132, GS 143B, GS 150B, GS 153A, GS 160A](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Courts/Judiciary, Motor Vehicle, Court System, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Government, APA/Rule Making, General Assembly, Public Records and Open Meetings, Public Safety and Emergency Management, State Agencies, Department of Justice, Department of Public Safety, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health](#)

S 311 (2021) **[NO WAITING PERIOD UNDER LGERS/VFDF GRANTS. \(NEW\)](#)** Filed Mar 16 2021, *AN ACT PROHIBITING MEMBERSHIP WAITING PERIODS FOR ELIGIBLE EMPLOYEES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND UPDATING THE VOLUNTEER FIRE DEPARTMENT FUND MATCHING REQUIREMENTS.*

House committee substitute amends the 2nd edition as follows.

Modifies the proposed new provision in GS 128-24 regarding membership of the Local Governmental Employees' Retirement System (LGERS), now prohibiting a participating employer from imposing a waiting period on any employees who are otherwise eligible to become members of LGERS (was, a waiting period on employees certified by the NC Criminal Justice Education and Training Standards Commission or the NC Sheriffs' Education and Training Standards Commission under GS Chapters 17C or 17E and who are otherwise eligible to become members of LGERS).

Adds the following new content.

Amends GS 58-87-1, concerning the Volunteer Fire Department Fund (Fund) as follows. Provides that the Fund is to provide grants (was, matching grants) to volunteer fire departments to purchase equipment and make capital improvements. Removes the existing matching requirements for applicants for grants from the Fund, and instead: (1) excludes from the matching requirements applicants receiving less than or equal to \$50,000 per year from municipal and county funding; (2) requires applicants receiving more than \$50,000 but less than or equal to \$75,000 per year from municipal and county funding to match \$1 for each \$3 in grant funds; and (3) requires applicants receiving more than \$75,000 per year from municipal and county funding to match the grant on a dollar for dollar basis. Amends the content of the report to the NCGA on the grants by specifying that it include cash receipts and cash disbursements through the previous grant cycle (was, through the grant cycle), and the Fund balance at the beginning and end of the previous grant cycle (was, at the end of grant cycle). Adds that any funding on deposit with the State Treasury for the purposes in the statute are appropriated up to the amount needed to reimburse volunteer fire departments for grants awarded during the most recent grant cycle.

Changes the act's effective date from July 1, 2021, to October 1, 2021.

Makes conforming changes to the act's titles.

Intro. by Corbin.

[GS 58, GS 128](#)

[View summary](#)**Government, Public Safety and Emergency Management,
Local Government**

S 314 (2021) **LOCAL GOV COMMISSION ASSISTANCE TOOLKIT. (NEW)** Filed Mar 17 2021, *AN ACT TO PROVIDE ADDITIONAL TOOLS FOR THE LOCAL GOVERNMENT COMMISSION TO ASSIST LOCAL GOVERNMENT UNITS AVOID AND CORRECT FISCAL DISTRESS THAT REQUIRES THAT THE IMPACT OF CHANGES TO SALES TAX DISTRIBUTION FORMULAS BE DELAYED UNTIL THE FISCAL YEAR FOLLOWING THE INITIAL DECISION; TO MANDATE THAT A STATEMENT FROM THE LOCAL GOVERNMENT COMMISSION BE INCLUDED IN THE PETITION TO THE GENERAL ASSEMBLY WHEN A NEW MUNICIPALITY IS PROPOSED; TO ADD OPTIONAL SOURCES FOR TRAINING FOR FINANCE OFFICERS; TO ALLOW THE LOCAL GOVERNMENT COMMISSION TO MANDATE SPECIALIZED TRAINING FOR CITY AND COUNTY MANAGERS WHEN A UNIT IS EXHIBITING FISCAL DISTRESS; TO ESTABLISH A PROCESS FOR A MUNICIPALITY TO INITIATE A TRANSITION TO RECOVER FROM FINANCIAL DISTRESS; AND TO ESTABLISH A PROCESS FOR THE LOCAL GOVERNMENT COMMISSION TO TRANSFER THE ASSETS, LIABILITIES, AND OTHER OBLIGATIONS AND DISSOLVE MUNICIPALITIES DETERMINED TO BE IN FINANCIAL DISTRESS.*

Conference report #2 to the 5th edition makes the following changes.

Makes organizational and clarifying changes to the proposed changes to GS 153A-82 and GS 160A-148 concerning the duty of a county or city manager to receive six hours of education on fiscal management upon the occurrence or within six months following the occurrence of specified events. Makes language gender-neutral.

Makes organizational changes to now enact the substantive content of proposed Article 31 to GS Chapter 160A as Article 32 instead. Updates statutory cross-references throughout to reflect the renumbering of the statutes of the proposed Article. Regarding instances in which the Local Government Commission exercises its authority to impound the books and records of the city and assume full control of all its financial affairs, either under the new Article or GS Chapter 159, makes changes to refer to cities subject to Part 2 of the Article (Transition Initiation by Local Government Commission) rather than cities *determined to be* subject to the Part to account for the Commission's alternative authority under GS Chapter 159, to provide for city council authorities and required cooperation. Makes changes throughout Part 2 to refer to a resolution of transfer and dissolution consistently throughout. Revises Part 3 of the Article (Transition Initiated by City) to require a city that has adopted a resolution of intent to dissolve to post a copy of the resolution (rather than the resolution) and the impact statement on its website, if any.

Eliminates the proposed language replacing the content of GS 161-8 regarding attendance of the register of deeds.

Changes the act's long title.

Conference report #1 was withdrawn on 08/04/2021.

Intro. by McInnis, Johnson, Davis.

GS 105, GS 120, GS 153A, GS 159, GS 160A

[View summary](#)**Courts/Judiciary, Civil, Government, General Assembly, Tax,
Local Government**

S 688 (2021) **SPORTS WAGERING.** Filed Apr 7 2021, *AN ACT TO AUTHORIZE AND REGULATE SPORTS WAGERING IN NORTH CAROLINA.*

Senate amendment to the 3rd edition makes the following changes.

Revises proposed Article 9, Sports Wagering, of GS Chapter 18C as follows.

Amends the definition of *sports facility* in GS 18C-901 so that it includes a facility that hosts a professional golf tournament with more than 50,000 live spectators anticipated to attend based on similar prior tournaments (was, a facility that hosts a professional golf tournament annually).

Enacts new GS 18C-921 that requires the North Carolina State Lottery Commission's expenses to include all items listed in GS 18C-163 (expenses of the lottery). Requires the Commission to transfer \$1 million from the amounts collected under Article 9 annually to the Department of Health and Human Services for gambling addiction education and treatment programs in addition to the amount that is transferred under GS 18C-163(a)(3) (a transfer of \$1 million annually to the Department of Health and Human Services for gambling addiction education and treatment programs).

Makes clarifying changes in GS 18C-926.

Makes clarifying changes in Section 5 of the act. Makes a clarifying changes to the effective date provision.

Intro. by Perry, Lowe.

[GS 18C, GS 143B](#)

[View summary](#)

[Lottery and Gaming](#)

S 693 (2021) [EXPEDITE CHILD SAFETY AND PERMANENCY](#). Filed Apr 7 2021, *AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS AND EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME; TO CLARIFY THE NONCARETAKER DEFINITION FOR THE RESPONSIBLE INDIVIDUALS LIST; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN TO IMPLEMENT A CENTRALIZED HOTLINE FOR CHILD WELFARE INTAKE; TO DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS; AND TO PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF MENTAL HEALTH SERVICES.*

House committee substitute to the 3rd edition makes the following changes.

Part I.

Qualifies the authority granted in new GS 7B-302(a3), which allows legislators and NCGA joint oversight committees to request access to confidential information and records maintained pursuant to Article 3 (governing the screening of abuse and neglect complaints) by the Department of Health and Human Services (DHHS) or county departments of social services (dss), to specifically except access that is prohibited by state plan requirements within federal programs. Adds to the exemptions provided, now exempting juvenile court records as set forth in Article 30 (Juvenile Records and Social Reports of Delinquency and Undisciplined Cases) from such requests. Adds that disclosure of confidential information pursuant to new subsection (a3) is limited to requests for information received or created by the agency on or after October 1, 2021.

Adds to GS 7B-505 to explicitly allow a court to consider whether an appropriate former foster parent, nonrelative kin or other persons with legal custody of a sibling of a juvenile are willing and able to provide proper care and supervision of a juvenile in a safe home when the juvenile is not placed with a relative.

Modifies proposed GS 7B-903(a4) to allow a court to order dss to notify a juvenile's State-recognized tribe of the need for custodial care (was, nonsecure custody) for the purposes of locating relatives or nonrelative kin for placement.

Regarding required supervised visits prior to dss recommending unsupervised visits with a juvenile or a return of physical custody of the juvenile under GS 7B-903.1, no longer qualifies the requirement for whichever (unsupervised visits or a return of physical custody) occurs first.

Further amends and adds to the proposed changes to GS 7B-906.1 regarding review and permanency planning hearings to refer to "any person with whom the juvenile" is placed rather than "any person providing care for the juvenile," thereby requiring the court to give any person with whom the child was placed the opportunity to address the court regarding the juvenile's well-being (was, any person providing care for the juvenile). No longer requires a court to make findings of the goals of the family services plan at each hearing. Qualifies the requirement for the court to schedule a permanency planning hearing if the juvenile is removed from the custody of a parent, guardian, or custodian at a review hearing to except instances in which the hearing was noticed and heard as a permanency planning hearing. No longer requires a court to schedule a permanency planning hearing to address the permanent plans following a determination efforts would be unsuccessful or inconsistent unless made at a permanency planning hearing. Replaces the content of new subsections (d1) and (d2), now allowing the court to maintain the juvenile's placement under review or order a different placement, appoint an individual guardian of the person, or order any

authorized disposition pursuant to specified law at any review hearing. Allows the court to waive further review hearings or terminate jurisdiction when the parent, guardian, or custodian successfully completes the court-ordered services and the juvenile is residing in a safe home, absent extraordinary circumstances. Eliminates the prohibition against a court's waiver or refusal to conduct a permanency planning hearing if a party files a motion seeking the hearing.

Part V.

Eliminates proposed GS 7B-903.2, Presentation at a hospital for mental health treatment. Instead, enacts GS 122C-142.2 with the same title, providing as follows. Requires the dss director to contact the appropriate LME/MCO or prepaid health plan (PHP) within 24 hours of a determination that a juvenile in dss custody who presents to a hospital emergency department for mental health treatment should not remain at the hospital and no appropriate placement is immediately available, to request an assessment. Requires the LME/MCO or PHP to arrange for an assessment by the child's clinical home provider, the hospital, or other qualified licensed clinician within five business days of the dss director's notification, as specified. Sets forth required actions and timelines for placement following the comprehensive clinical assessment based on whether the assessment recommend a traditional foster home or a Level I group home, or a level of care requiring prior authorization by the LME/MCO or PHP; makes dss responsible for transporting the juvenile to the identified placement. Requires dss to provide ongoing case management either virtually or in-person to address the educational and social needs during the juvenile's stay in the hospital. Requires the hospital to cooperate with dss to provide access to the juvenile during the hospital stay. Requires the dss director to immediately notify the Department of Health and Human Services (DHHS) Rapid Response Team when the director, or LME/MCO or PHP, is unable to identify an appropriate available placement or provider for the juvenile or if the assessment recommendations differ. Authorizes the dss director to disclose confidential information to the Rapid Response Team and provides for continued confidentiality of the information. Details the makeup of the Rapid Response Team, with representatives from various specified DHHS Divisions. Sets forth five authorized responses of the Rapid Response Team's coordinated response upon notification. Effective 30 days after the date the act becomes law.

Eliminates the content of proposed GS 7B-903.3, Emergency motion for placement and payment, reorganizes the statute as GS 7B-903.2, and replaces its content with the following. Allows for a party to a juvenile case, DHHS, the hospital where the juvenile is currently located, the LME/MCO or the PHP to make a limited appearance to file a motion regarding the juvenile's continued stay in an emergency department or subsequent hospital admission stating the requirements of GS 122C-142.2(b) through (f) which are not satisfied. Details service requirements, and makes the hospital, LME/MCO or the PHP for the juvenile, and DHHS parties to the proceeding to participate in related hearings upon service. Requires DSS to provide the movant with the case file number, the juvenile's name, and the addresses of all parties and attorneys in the juvenile matter upon request of the movant, to the extent necessary to effectuate service. Specifies that the statute does not require the department of social services to provide the name and address of the juvenile who is a party to the action. Provides parameters for the hearing, including who may present evidence. Requires the court to make written findings of fact and conclusions of law, including whether the movant established by clear and convincing evidence that there is no medical necessity for the juvenile to remain in the hospital and the responsible party or parties who have not satisfied the requirements of new GS 122C-142.2(b) through (f). Identifies four alternative orders the court may issue upon finding by clear and convincing evidence that there is no medical necessity for the juvenile to remain in the hospital and that the responsible party has not satisfied the requirements of GS 122C-142.2(b) through (f), including ordering the responsible party to pay reasonable hospital charges, pay for any damage to property caused by the juvenile after the date the hospital stay was no longer necessary, satisfy the requirements of GS 122C-142.2, or any relief the court finds appropriate. Requires the order to be entered no later than 72 hours after the hearing is completed and requires the clerk to schedule a subsequent hearing for review within 30 days after entry. Requires the motion to be dismissed if the juvenile is removed from the hospital and placed by the director after the motion is filed. Requires all parties to the hearing to bear their own costs. Makes new GS 7B-903.2 effective January 1, 2022.

Changes the act's long title.

Intro. by Jarvis, Krawiec, Edwards.

GS 7B, GS 115C, GS 116, GS 122C, GS 131D

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

S 693 (2021) [EXPEDITE CHILD SAFETY AND PERMANENCY](#). Filed Apr 7 2021, *AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS AND EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME; TO CLARIFY THE NONCARETAKER DEFINITION FOR THE RESPONSIBLE INDIVIDUALS LIST; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN TO IMPLEMENT A CENTRALIZED HOTLINE FOR CHILD WELFARE INTAKE; TO DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS; AND TO PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF MENTAL HEALTH SERVICES.*

House amendments to the 4th edition makes the following changes.

Part I.

Amendment #2 revises the provisions of new GS 7B-302(a3), which allows legislators and NCGA joint oversight committees to request access to confidential information and records maintained pursuant to Article 3 (governing the screening of abuse and neglect complaints) by the Department of Health and Human Services (DHHS) or county departments of social services (dss), as follows. Previously, required DHHS to share confidential information and make the records concerning the child protective services case available to the requesting member or committee for review. Now requires DHHS to make the confidential information and records available for inspection and examination at the county department of social services upon receipt of a request from an individual legislator, and to assist the dss director with sharing the confidential information and records with the requesting joint legislative oversight committee in a closed session in accordance with state law. Eliminates the explicit prohibition against a legislator or joint legislative oversight committee receiving copies of any part of the information and records reviewed pursuant to a request under the new subsection.

Amendment #1 revises new subsection (k1) of GS 7B-906.1 regarding review and permanency planning hearings to now prohibit the court from waiving or refusing to conduct a review hearing if a party files a motion seeking the review hearing and alleges a significant fact (previously, did not require the motion to allege a significant fact in order for the prohibition to be effective).

Intro. by Jarvis, Krawiec, Edwards.

[GS 7B](#), [GS 115C](#), [GS 116](#), [GS 122C](#), [GS 131D](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health](#)

LOCAL/HOUSE BILLS

H 353 (2021) [WINSTON-SALEM/FORSYTH AND WAKE BDS OF ED. \(NEW\)](#) Filed Mar 22 2021, *AN ACT TO STAGGER THE TERMS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO ESTABLISH FOUR-YEAR STAGGERED TERMS WITH ODD-YEAR ELECTIONS FOR THE WAKE COUNTY BOARD OF EDUCATION.*

House committee substitute to the 2nd edition makes the following changes.

Makes technical changes to the lead-in language for the proposed revisions of the elections provisions governing the Winston-Salem/Forsyth County Board of Education (Board) set forth in SL 1961-112, as amended.

Makes technical changes to the lead-in language to the proposed changes to Section 7 of SL 1975-717, as amended, and replaces the substantive changes to the act with the following. Provides for the nine-member Wake County Board of Education (Board) to be elected from nine single-member districts by the nonpartisan plurality method, now explicitly requiring election to staggered terms. Eliminates voter registration requirements for filing of notices of candidacy for specific districts and the

specified time period provided for filing such notices. Eliminates requirements set forth for 2016 and 2018 elections. Requires the 2022 election to be held to coincide with the general election for county officers in even-numbered years for the election of all nine Board members. Requires the Wake County Board of Elections to certify the total vote count in each of the districts in order to determine member terms, with the members in the four districts receiving the four highest total vote counts to serve three-year terms and the members from the remaining five districts to serve a one-year term. Adds a new requirement for the Board to revise the electoral district boundaries established in 2011 as needed to correct for population imbalances following the return of the 2020 census. Requires the revised districts to be used for elections beginning in 2022. Requires the Wake County Board of Elections to make subsequent revisions to the district boundaries pursuant to specified state law.

Effective December 4, 2023, further amends Section 7 of SL 1975-717, as amended by the act, to provide for Board members to serve four-year terms, with the election to be held on the Tuesday after the first Monday in November in each odd-numbered year as terms expire.

Provides that the above provisions do not affect the terms of current Board members elected in 2020, or persons appointed to fill their vacancy.

Makes technical changes. Changes the act's long title.

Intro. by Lambeth, Zachary.

[Forsyth, Wake](#)

[View summary](#)

[Education, Elementary and Secondary Education,
Government, Elections](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 84: SEX OFFENDER PREMISES RESTRICTIONS.

House: Ordered Enrolled

H 86: INCREASE IN-SERVICE DEATH BENEFITS/LRS.

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

H 95: WHOLESALE RX DISTRIBUTION LICENSEE CHANGE. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 352: HOTEL SAFETY ISSUES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 366: REGULATORY REFORM ACT OF 2021.

House: Reconsidered Concurrence

House: Added to Calendar

House: Conf Com Dismissed

House: Concurred In S Com Sub

House: Ordered Enrolled

H 398: PISTOL PURCHASE PERMIT REPEAL (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 415: UPDATE CHIROPRACTIC LAWS.

Senate: Regular Message Sent To House

H 436: SUPPORT LAW ENFORCEMENT MENTAL HEALTH.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.

House: Concurred In S Amend SA1

House: Concurred In S Amend SA2

House: Concurred In S Amend SA3

House: Ordered Enrolled

H 489: 2021 BUILDING CODE AND DEV. REG. REFORM.

Senate: Regular Message Sent To House

H 608: DIGNITY FOR WOMEN WHO ARE INCARCERATED.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 650: OMNIBUS DMV BILL.

Senate: Reptd Fav

H 685: ELECTRONIC TRANSACTION FEES/OFFICIAL FEES.

Senate: Withdrawn From Com

Senate: Re-ref to Finance. If fav, re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

H 692: RESTRICT CERTAIN VEHICLE MODIFICATIONS.

Senate: Reptd Fav

H 972: HOUSE SBCC MEMBER ELECTION.

House: Reptd Fav. For Introduction

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Adopted

S 35: MAX 4-YR AGE DIFF TO MARRY UNDER 18 YRS. (NEW)

Senate: Ratified

S 85: ALLOW VISION SERVICE PLANS. (NEW)

House: Reptd Fav

House: Re-ref Com On Health

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 105: 2021 APPROPRIATIONS ACT.

House: Conf Com Appointed

S 191: THE NO PATIENT LEFT ALONE ACT.

House: Reptd Fav

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

S 201: E-SALVAGE EXPRESS.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 207: VARIOUS RAISE THE AGE CHANGES/JJAC RECS.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

S 228: ALLOW EMPLOYERS TO OFFER EPO BENEFIT PLANS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Health

S 257: MEDICATION COST TRANSPARENCY ACT.

House: Reptd Fav Com Substitute

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 299: NCDOT NAIC ACCREDITATION.-AB

Senate: Ratified

S 300: CRIMINAL JUSTICE REFORM.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Failed A1

House: Amend Failed A2

House: Passed 2nd Reading

House: Passed 3rd Reading

S 301: EXPAND EXPUNCTION ELIGIBILITY.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 311: NO WAITING PERIOD UNDER LGERS/VFDF GRANTS. (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 314: LOCAL GOV COMMISSION ASSISTANCE TOOLKIT. (NEW)

House: Conf Com #2 Reported

House: Added to Calendar

House: Conf Report #2 Adopted

Senate: Withdrawn From Com

Senate: Placed On Cal For 08/19/2021

S 379: ISSUANCE OF UNREGISTERABLE CERT. OF TITLE.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 421: CC/IN-STATE TUITION & BOARD ELECTIONS. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 490: LICENSE TO WORK.

House: Serial Referral To Transportation Stricken

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

S 636: DONOR PRIVACY.

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

S 688: SPORTS WAGERING.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

S 693: EXPEDITE CHILD SAFETY AND PERMANENCY.

House: Reptd Fav Com Sub 2

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Amend Adopted A2

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 732: CONFIRMING ELIZABETH BISER, DEQ SECRETARY.

Senate: Reptd Fav

Senate: Re-ref Com On Select Committee on Nominations

S 733: 2021 APPOINTMENTS BILL.

Senate: Withdrawn From Com

Senate: Re-ref Com On Select Committee on Nominations

LOCAL BILLS**H 353: WINSTON-SALEM/FORSYTH AND WAKE BDS OF ED. (NEW)**

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Amend Failed A1

House: Passed 3rd Reading

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